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## COMMISSION GOVERNMENT IN THE WEST

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Progress follows the sun westward. The commission government movement has made greater progress in the West, if by "West" be included all states west of the Mississippi, than it has in all the other and more conservative parts of the United States. Indeed, commission government originated, has been in operation longest, and has reached its highest degree of perfection in the West. Nineteen states in the West now make provision in one way or another for the organization of city government on the commission plan. That is to say, all states west of the Mississippi with the exception of Arkansas, Nevada, and Arizona, either make provision or permit cities to organize their governments on the commission plan, and at the last session of the Arkansas legislature a bill was introduced to make such provision, but for some reason it failed of passage. Seven of these states—Minnesota, Missouri, Oklahoma, Colorado, Washington, Oregon, and California—are home rule states and permit cities to draft and adopt their own charters, and in all except Missouri, cities have taken advantage of this opportunity and have adopted commission charters. Twelve states—Iowa, Louisiana, North and South Dakota, Nebraska, Kansas, Texas, Montana, Wyoming, New Mexico, Idaho, and Utah—have enacted general commission charter laws, which cities in those states may adopt by popular vote. Washington has also enacted a general law for cities of less than 20,000 population, since those cities do not come under the home rule provision. The eighteenth state—Idaho—has provided commission government by special charter and general law. Just one hundred cities west of the Mississippi river have now adopted and are operating under the commission plan. As general laws in five states were enacted only during the legislative sessions of 1911, it is probable that this number will be greatly increased during the coming year.

Thus commission government in the West is fast passing through the initiatory stage. In the matter of administrative or-

ganization it has already passed through that stage. There are just two great problems in municipal government to-day. One is the problem of devising a system of organization that will permit public officials to administer public affairs efficiently, and in accordance with popular will, and the other problem is to devise a means of selecting and choosing the right kind of officials to administer the system once devised. Commission government is the West's contribution to the solution of the first problem. It is an attempt to bring the organization of city government up to date, and to make it suitable and applicable to the functions which the modern city of to-day is called upon to perform.

The position of the city, its functions, and the conditions under which it is administered have changed unrecognizably since the common council system was imposed. Then the administrative duties of the city were few. There were no street railways, no telephones, no telegraphs, no municipal gas or electric light plants, no great water works and water purification plants, no great sewer systems and sewage disposal plants, no garbage crematories, no miles of expensive pavements, and hundreds of acres of parks with public baths, gymnasiums, etc. There were some wooden pavements and some open sewers. The municipal lighting plant consisted of the lamp-lighter who went about at dusk and lighted the lamps on the street corners, and every man's well was a part of the municipal water supply. The principal functions of the city then were the protection of life and property, the care of the poor, and the administration of the public schools.

But all this is changed. To-day, the city is almost wholly a business corporation, and is little concerned with great political policies or far-reaching legislation. There is little need for a large and separate legislative department. Modern cities have to build streets, roads, and bridges, to operate water works and sewage disposal plants, municipal electric light and gas plants, to run garbage crematories, to maintain hospitals, schools, fire and police departments, courts, public markets, and to care for the numerous helpless and defective members of the community. On all these subjects there is no doubt whatever as to what the people need, and the proper supply of their needs is a matter of purely administrative business. The ideas of governmental organization which prevailed at the time our American city government was instituted are no

longer applicable to the conditions which now prevail in our cities, or adequate to the functions which they perform. The economic conditions of to-day demand concentration and centralization. Capital is everywhere being combined. The management of great business enterprises is being concentrated in the executive heads of industrial corporations. Responsibility for the conduct of educational and charitable institutions is likewise drifting from the board to the single executive head. In all branches of administrative and executive activity the tendency is to center power and responsibility in the hands of a few men. Tendencies so marked in American business and institutional activity are certain to exert an influence on the administration of municipal affairs. We cannot hope permanently to preserve the illusion that political organization can be kept free from the influences which are dominant in the other departments of our national life.

We have but to recall the number of different types of business organization through which the industrial and commercial interests of this country have passed since our prevailing form of city government was adopted—from the partnership, through the company and corporation, to the modern trust—to realize how keen and quick is the business undertaking to adapt its organization to the conditions under which it must operate, and to realize how slow and how far behind the times is our antiquated system of municipal administration. We have but to recall the sad experience of our municipalities in their dealings with public service corporations to realize how expensive and inadequate is any form of government which depends upon a system of checks and balances to secure economic advantage. The same economic conditions which demand concentration in business demand concentration in government when government is mainly concerned with business undertakings.

It is surely safe to say, then, that so long as present day economic conditions prevail, the commission form of government, or some form of government which embodies the general principles of commission government—the concentration of power and the fixing of official responsibility—must be the dominant type of municipal organization in this country. There must be a readjustment of the machinery of government to fit these economic conditions. City government must be organized on the same basis and must utilize the same principles of business management that have been

adopted and found to be so successful in other business, industrial, and commercial enterprises, if the same satisfactory results are to be obtained.

This being the case, the next most important problem facing our cities becomes the selection of the administrators of this commission system, or the electoral system, and here again we must turn to the West. In the commission governed cities of the West are to be found nearly every device of progressive election machinery—direct primaries, non-partisan nominations and majority elections, cumulative and preferential voting, the English system of first and second elections, and the recall. At the present writing there have been in none of these cities a sufficient number of elections to arrive at a safe conclusion as to the efficiency of any of these various devices, there having been in most cases but one or two elections, but the next few years will be replete with invaluable experience and information resulting from their operation in these western cities. Where municipal officials are elected for four and five year terms, and an election is had in only the same number of years, it will naturally take some time to thoroughly try out and test these new election devices. But in the meantime a very thorough test will be made of the commission type of organization. It has already been in operation long enough and has been adopted extensively enough in several of these western states to have established a *prima facie* case in favor of this form of organization. In two of these states—Iowa and Kansas—its success and popularity have warranted the devotion of a separate article in this volume to the discussion of the operation of commission government in each of these states. As these states together with Texas, which is covered in another article, contain nearly all the cities which have operated under the commission plan for more than two years, it is left for this article to deal mainly with the structural organization of the various plans that have been adopted in the other states, and to concern itself with the results of these plans only in so far as they have been in operation long enough to afford reliable information for other cities which wish to follow their example. The plans will be taken up in order in each state as it appears on the map.

*Wisconsin*

Wisconsin cannot be considered as a western state, but as it is not covered in any other article in the present volume, and as it is the state of the writer, who was in a small way responsible for its introduction, a brief discussion of the Wisconsin plan will be made introductory to the discussion of the plans of the states west of the Mississippi river.

The Wisconsin law was enacted in 1909 and may be adopted by cities of the second, third and fourth classes, or cities not exceeding 100,000 in population. This excludes Milwaukee, the only city of the first class. There was no reason for not including Milwaukee except that at that session of the legislature Milwaukee was endeavoring to secure home rule, and it was feared that if made applicable to Milwaukee the commission bill might interfere with this project as well as endanger its own passage. The commission council is composed of three members, a mayor and two councilmen. The mayor is elected for six years and the councilmen for four, one councilman being elected every two years. They are nominated by a non-partisan primary at which the names of candidates are arranged alphabetically and without party designation, and the two candidates receiving the greatest number of votes for each office are declared nominated, and are the only candidates whose names appear on the general election ballot. The mayor is a member of the council and has a vote but no veto. Both mayor and councilmen receive salaries, the salaries varying from \$500 for mayor and \$400 for councilman in cities of 2,500 or less, to \$5,000 for mayor and \$4,500 for councilman in cities of 40,000 and over. No other city officials are popularly elected. The council by majority vote appoints all other city officials and fixes their compensation, and may remove them at any time. It has the power to create and discontinue offices and employments at will. The charter law designates no division of the administration into departments with a councilman at the head of each, but it gives this power to the council should it desire to do so.

The original law passed in 1909 provided for the referendum, but did not provide for either the initiative or the recall, the legislature of that year being reactionary, but the legislature of 1911 added these institutions. The recall and the initiative may be brought into operation by a petition signed by electors equal in

number to one-fourth of the vote cast for mayor at the last municipal election at which a mayor was elected. The recall petition must state the specific reasons for which it is wished to recall an officer. The referendum may be brought into operation by a twenty per cent petition within ten days. No provision is made for civil service, the idea being that if the council was to be held responsible for the administration of the city government, it should be given a free hand in the selection of officers and employees to carry out its policy.

A most noteworthy provision of the Wisconsin law is one which provides that residence in the city is not a necessary qualification for election to public office. Under this provision a commission city may elect as mayor or councilman a man who has made a success as mayor in some other city, or who has had experience in the management of water works, gas or electric works, and thus benefit by his experience. The plan may be abandoned by any city after a trial of six years, by proceeding in the same manner as for adoption.

Two cities, Eau Claire (population, 18,310) and Appleton (population, 16,773), have adopted the plan, and Eau Claire has closed its first year's experience under it. The first year has been very successful. In the first place, the mayor and councilmen, and especially the mayor, have been men far above the average of city officials in the ordinary city government. The financial activities of the city during the year show an increased surplus to the credit of the first year's administration, over that of the year before, of \$71,327.93. More permanent improvements were made, and collections were more promptly made than during the preceding year, while the outstanding indebtedness of the city was materially reduced. The City of Appleton has been less fortunate in its election of officials, the new administration being in the hands of old politicians, mainly those in control of the old common council, and it therefore remains to be seen what improvements the new plan will bring.

### *Minnesota*

Minnesota is a home rule state, but there being some doubt under the existing home rule law whether a charter commission could draft a charter on the commission plan or not, the law prescribing a representative form of government, the legislature of

1909 enacted an amendment specifically conferring this power on all charter commissions. Not only did it confer power to draft charters on the commission plan, but to provide for primary elections, and to incorporate the initiative, referendum, and recall. Two cities in the state, Mankato (population, 10,365) and Fari-bault (population, 9,001), have so far taken advantage of the law and have adopted commission government charters.

Mankato drafted two charters the first of which, owing to numerous defects, was defeated in September, 1909, but the second of which was adopted in May, 1910. This second charter provides for the election at large of a mayor and four councilmen, and of a judge and special judge of the municipal court. The mayor and councilmen are elected simultaneously for two years and the judges for four. Nominations are made by non-partisan primaries similar to those provided in the Wisconsin law, and only the names of the two candidates receiving the highest number of votes for each office are placed on the general ballot. The mayor and councilmen give bond and receive salaries, the mayor \$900, and the councilmen \$600 per year. The mayor presides over the meetings of the council and has a vote but no veto. The administration is divided into five departments: (1) Public Health, Sanitation, Police and General Welfare, (2) Accounts and Finance, (3) Parks, Public Grounds, Buildings and Fire Protection, (4) Water Works and Sewers, and (5) Streets and Alleys, the mayor always being in charge of the first named. At its first regular meeting the council by a majority vote assigns a councilman to be superintendent of each department, a designation which may be changed at any time. The council also has the appointment of all other city officials. The charter enumerates the offices of city clerk, assessor, treasurer, attorney, engineer, chief of police, fire chief, and health commissioner, but it also provides for the consolidation of any two or more of these offices at the option of the council. The council furthermore has power to create, fill, and discontinue such additional offices as it deems in the best interests of the city. Any appointed officer may be removed at any time by a majority vote of the council. All departments are required to make monthly reports, and the mayor is required to have an annual audit of the city's accounts made by a competent accountant.

The charter provides for the initiative, referendum, and recall.

In the case of the initiative, the proposed ordinance is submitted at a general or special election according to the number of signers to the petition. If electors equal to twenty per cent of the last vote for mayor sign, a special election is called; if ten per cent, but less than twenty per cent sign, the proposition is submitted at the next general election. A twenty per cent petition is also required in the case of the referendum and the recall. No officer can be recalled during his first three months of office, and then the reasons must be stated. The charter provides: "In the call for the election there shall be stated in not more than two hundred words, the reasons for demanding the recall of the officer, as set forth in the recall petition, and in said call in not more than two hundred words, the officer may justify his course in office."

In addition to prescribing the general framework of the city government, the Mankato charter, which is a document of some ninety pages, contains chapters dealing with contracts, finance and taxation, franchises, the vacating of streets, actions for damages, water works, eminent domain, and other subjects which are of great importance, but have nothing to do with commission government, and will not be discussed here.

Although Mankato has completed its first year under the commission plan and the citizens of the city appear to be quite satisfied with the success of its first year's operation, official reports are not yet available from which to substantiate the confidence of the citizens and the claims of their city officials, though such reports may be ready before this volume is received from the press.

The Faribault charter, which was adopted in February of this year, is practically a copy of the Mankato charter, except that two justices of the peace are elected for two year terms in place of the judges of the municipal court in Mankato, and that a fee of \$5 is charged all candidates instead of requiring a petition signed by twenty-five electors as required in Mankato. The Faribault charter went into effect on the 11th of April.

Neither the Mankato nor Faribault charters make provision for civil service.

### *Missouri*

Missouri is the oldest of the home rule states, but its provisions are among the least liberal. By constitutional provision cities having

a population of 100,000 are permitted to frame and adopt their own charters, "but such charters shall always be in harmony with and subject to the constitution and laws of this state." Although this last provision is emphasized by the constitution, the courts have held (*State vs. Field*, 99 Mo. 352) that charters adopted under this section present a complete system of local self-government, and (*Kansas City vs. Oil Co.*) that such charters supersede general statutes where they differ as to purely municipal regulations. The determination as to whether a subject is a matter for municipal or state regulation, however, is always a question for the courts. No city in Missouri has as yet adopted a commission government charter under these provisions.

### *Iowa*

The Iowa law, or "Des Moines Plan," was enacted in March, 1907, and applied upon adoption, to all cities of the first class, or cities having a population of 25,000 or over. It was amended in 1909 to include cities of 7,000 to 25,000 population. This Iowa law has become famous not because it was the first general law to be enacted, it being, in fact, the last of the four laws enacted in 1907 to be approved, nor because it contained the initiative, referendum, and recall, for the South Dakota law approved two weeks earlier contained these, but largely because of the advertising and publicity given the plan by the city of Des Moines. The structure and results of the plan, being thoroughly covered in a separate article<sup>1</sup> in this volume, will not be taken up here. Suffice it to say that eight cities of considerable population have adopted and are now operating under the plan: Des Moines (86,368), Sioux City (47,828), Davenport (43,028), Burlington (24,324), Cedar Rapids (38,811), Fort Dodge (15,543), Keokuk (14,008), and Marshalltown (13,374).

### *Louisiana*<sup>2</sup>

The Louisiana commission government law was enacted in 1910. The statute provides a separate organization for cities of 7,000 to 25,000 and for cities of 25,000 and over. In the latter class there are five members in the council, a mayor and four commissioners, and in the former, three, a mayor and two commis-

<sup>1</sup> See *Commission Government in Iowa*, *supra*.—EDITOR.

<sup>2</sup> See also *Commission Government in the South*, *supra*.—EDITOR.

sioners. In one case the administration is divided into five departments, and in the other, three departments, but in both cases the mayor is in charge of the department of Public Affairs and Public Education. In the larger cities the other departments are (1) Accounts and Finance, (2) Public Safety, (3) Public Utilities, and (4) Streets and Parks. In cities with two councilmen, two of these departments are combined and a councilman put in charge of each, namely, (1) Accounts, Finance, and Public Utilities, and (2) Public Safety, Streets and Parks. Unlike most commission charters, assignments to departments are not made by the council or mayor, but each candidate must announce his candidacy for mayor, or for councilman and superintendent of a designated department, as the case may be, and is elected directly to the department of which he assumes charge. No provision is made for primaries.

In both classes of cities the mayor and councilmen are elected for four years and receive a salary, the same varying from \$1,500 for mayor and \$1,000 for councilman in cities of 7,500, to \$4,000 for mayor and \$2,500 for councilman in cities of 60,000 and over. The time of regular meetings is determined by the council, but must be at least as often as once each month. In cities of 25,000 or over, the council appoints a city attorney, secretary-treasurer, tax collector, auditor, engineer, and physician, and may remove them at will by a majority vote. In cities of less than 25,000, only such of these offices are appointed as the council deems necessary to properly perform the work of the city. In all cases the council has the power to create, fill, remove, or discontinue offices other than those enumerated in the charter by a majority vote, and to fix their duties and compensation. The council must publish quarterly statements, and cause a complete audit to be made of its accounts annually.

Provision is made for the initiative, referendum, and recall, but not for civil service. In all cases a petition of thirty-three per cent of the voters is required to bring these devices into operation.

The plan may be abandoned by any city after a trial of six years and return had to its former charter by proceeding in the same manner as for adoption.

#### *North Dakota*

The North Dakota statute was one of the first four general commission charter laws which were enacted in 1907, and applies

upon adoption to cities of 2,000 population or over. An election to vote upon the adoption of the plan must be called upon a petition of ten per cent of the voters as recorded by the last general municipal election. So far, Bismarck, the capital of the state (population, 5,443), Mandan (3,873), and Minot (6,188), have elected to come under the law, and have been operating under it since 1908 and 1909.

Under this law the government of the city is placed in the hands of a commission composed of five members, a president and four commissioners, who are elected at large for terms of four years, and who are the only elective officers of the city. The terms of the commissioners expire alternately every two years. All other officers are elected or appointed by the board of commissioners by a majority vote of all its members. The salaries of all officers and employees of the city, including the commissioners themselves, are left to the determination of the board of commissioners. In Mandan the president of the board and each commissioner receives one dollar per year. The president of the board presides at all meetings, and has a vote but no veto. Regular meetings are held once each week and are open to the public. The administration is divided into four departments: (1) Police and Fire, (2) Streets and Public Improvements, (3) Water Works and Sewerage, and (4) Finance and Revenue—and a commissioner is placed at the head of each. The law makes no provision for the initiative, referendum, or recall, or for a civil service commission, which omissions may have tended somewhat to retard its adoption in other cities of the state. It has been rejected in Fargo, the metropolis, and in one or two smaller cities of the state.

The only noteworthy or unique provision of the law is that providing for cumulative voting. By this provision, each voter is "allowed to cast as many votes for the candidates for the office of city commissioners as there are commissioners to be elected, such votes to be distributed among the candidates as the voter shall see fit," but no voter can cast more than one vote for the candidate for mayor or president of the board of commissioners.

The plan has worked very successfully in all three cities. All three have been placed on a cash basis, and claim a saving of from five to six thousand dollars per year. In Minot the tax rate has been reduced approximately twenty-five per cent, while accomplishing the

same or better results than under the old organization. In no one of the three is there any desire to return to the old system.

### *South Dakota*

The South Dakota statute was also enacted in 1907 and may be adopted by any city in the state, a fifteen per cent petition being required to call an election. As enacted in 1907, the commission in all cities was to consist of five members, a president and four commissioners, but at the last session of the legislature it was amended so that each city may determine at the time of adoption whether it will have four or two commissioners. The amendment also provides that a city after having operated under one plan, with two or four commissioners, may submit the proposition of changing to the other at any regular election. Both president and commissioners are elected at large for terms of five years, and on non-partisan ballots. A person to be eligible for either office must be at least twenty-six years of age and a resident of the city for not less than five years preceding his election. The salaries are low, starting at \$25 per year for mayor and commissioners in cities of 2,000 or less, and increasing \$50 per year for each additional thousand in cities of over 2,000 to a maximum of \$1,200 for mayor and \$600 for commissioner in cities of over 10,000. An amendment enacted by the 1911 legislature now permits these salaries to be increased to \$1,500 and \$1,200, respectively, by submitting the same to a popular vote. The organization of the commission, the division into departments, and the appointment and removal of officers and employees is practically the same under the South, as under the North Dakota law, except that where cities elect to have two instead of four commissioners, two departments are combined under one commissioner.

The South Dakota law provides for the initiative, referendum, and recall. In this connection it is interesting to note that South Dakota has had these measures except the recall, since 1899, when they were made a general law applicable to all cities in the state. A five per cent petition is required in the case of the initiative and referendum, and a fifteen per cent petition in the case of the recall. A recall election was held in Huron, but all the officers sought to be recalled were returned to office by large majorities.

The law has been adopted by ten cities: Sioux Falls (14,094),

Aberdeen (10,753), Huron (5,791), Rapid City (3,854), Yankton (3,787), Pierre, the capital (3,656), Vermillion (2,187), Canton (2,103), Chamberlain (1,277), and Dell Rapids (1,367).

### *Nebraska*

The Nebraska legislature at its last session enacted a general commission law that is unique in several particulars. The council is composed of three, five, or seven members according to the population of the city, there being three in cities of 5,000 to 25,000, five in cities of 25,000 to 100,000, and seven in cities of over 100,000. Candidates are nominated at non-partisan primaries and elected at large at majority elections. The terms of office remain the same under the commission charter as under the former charter of each city that elects to come under the plan. The councilmen elect the mayor from among their own members. On both the primary and election ballots a rotation of names is provided for, the printer placing the name of the last candidate for each office first in printing the ballots for each election precinct. The salaries range from \$500 for mayor and \$300 for councilman in cities of 5,000 population, to \$5,000 for mayor and \$4,500 for councilman in cities of 100,000 and over. The administration is divided into three, five or seven departments, according to the number of councilmen, and a councilman placed in charge by a vote of the council. In the matter of appointments, removals, the creation and discontinuance of offices and employments, and the general powers of the council, the Nebraska law follows the same general lines followed by all commission government laws. It also provides for the initiative, referendum, and the recall. A fifteen per cent petition is required for the referendum, and a thirty per cent petition for the recall. The initiative provision provides for either a ten or a fifteen per cent petition, the fifteen per cent petition requiring a special election for the determination of the proposition submitted.

The law being passed by the 1911 legislature has not yet been adopted by any city in the state.

### *Kansas*

The Kansas law was the first of the four laws passed in 1907 to be approved, being signed on March 2nd. This first law applied only to first class cities and contained no provisions for primary

elections, civil service, the initiative, or the recall, and was only adopted by Leavenworth. In 1909 amendments were enacted adding these features, and a second law enacted for cities of the second class. Since then the plan has spread with phenomenal rapidity until nearly every city of any considerable size in Kansas is now operating under it. Twenty-four cities, including Kansas City (82,331), Wichita (52,450), and Topeka, the capital (43,684), are now operating under the plan.

The Kansas plan and its results are discussed elsewhere in this volume,<sup>3</sup> and will be passed here with this summary statement.

### *Oklahoma*

Oklahoma is a home rule state and has consequently passed no general law on the subject of commission government, but some sixteen cities in the state have framed and adopted individual commission charters which differ from each other about as much as possible. Nearly every type of commission organization to be found anywhere can be found in some of the commission governed cities of Oklahoma, and some variations that cannot be found elsewhere. Some of these cities provide for primary elections and some do not. In some, elections are partisan and in some non-partisan. The number of commissioners varies in the different cities from three to five. In Bartlesville, McAlester, and Duncan, there are three members in the council; in Enid, and Sapulpa, four; and in Tulsa, Ardmore, and Oklahoma City, five. The term of office is two years in Tulsa, Enid, and Sapulpa; three years in McAlester, Bartlesville, and Duncan; and four in Ardmore and Oklahoma City. In all cases the mayor presides over the council. In Tulsa, Ardmore, and Sapulpa, the mayor has the power of veto. In Enid the mayor has no vote at all, except in confirmation of his appointments and in case of a tie. In Tulsa the city auditor is an elected official. In all cases the administration is divided into departments with a commissioner or councilman at the head, the assignment sometimes being made by the mayor and sometimes by a majority vote of the council. In Tulsa the other officers of the city are appointed by the mayor with the consent of the council, as they are in Ardmore and Sapulpa. In Oklahoma City all enumerated officers are elected by the council, while subordinates are appointed by the commissioner in charge of

<sup>3</sup> See *Commission Government in Kansas*, *supra*.—EDITOR.

the department. In Enid the appointments are divided up among the commissioners, each one appointing certain officers. Only in Oklahoma City is there a civil service board provided for. Salaries in the various cities vary all the way from a few dollars per year to four thousand. In general, however, the average is from \$1,500 to \$2,000.

In the matter of the initiative, and referendum, however, the practice in all cities is uniform, being regulated by the constitution of the state. The constitution reserves to the cities of the state the right of direct legislation. Upon a petition of twenty-five per cent of the voters, as determined by the last regular municipal election, either the initiative or referendum may be brought into operation. In addition, practically all the charters also make provision for the recall, the per cent varying, however, from twenty-five to thirty-five per cent of the vote cast in the last municipal election.

The writer has been unable to secure official reports from any of the cities of Oklahoma upon which to base an opinion as to the results of commission government in that state, but letters from individual citizens in several cities indicate that in those cities the plan is working fairly well. In no city is there any considerable agitation to depart from the plan that has come to his knowledge.

### *Texas*

Texas, being also covered by a special article in this volume,<sup>4</sup> will be passed by with the statement that the success of commission government in Galveston, Houston, Dallas, and other of the larger cities of the state, which have been operating under special charters, has been such that the demand for commission government in the smaller cities of the state led, in 1909, to the passage of a general commission charter law which may be adopted by cities of 10,000 population and less.

### *Montana*

The Montana statute, which was just enacted at the 1911 session of the legislature, is the Iowa law with a few minor changes. One of these changes is the basis of determining the number of signers necessary to petitions. In Montana it requires a certain per cent of the total registered voters, instead of merely a certain per

<sup>4</sup> See *Commission Government in the South*, *supra*.—EDITOR.

cent of the number voting at the last election for mayor. Another change is the one requiring that only a part of the commissioners be elected at a time, instead of electing them all as at Des Moines. A change is also made in the matter of salaries, the salaries in Montana, varying from \$600 for mayor and \$500 for councilman in cities of 3,000 population and less, to \$4,500 for mayor and \$3,500 for councilman in cities of over 50,000 population. But practically all other provisions are the same. The same provisions regarding the initiative, referendum, and recall, as well as the civil service, are retained. Missoula, a city of 12,869 population, has already adopted and is operating under the new law.

### *Wyoming*

The Wyoming legislature also passed a general law at the 1911 session. This law may be adopted by cities of the first class, and by cities of 10,000 which have not adopted the general charter law. A petition of fifteen per cent is required to call an election for adoption, but if defeated, the proposition cannot be again submitted for two years, and then only on a petition of twenty-five per cent of the voters. The law provides for non-partisan primaries, the division of departments, and the appointment and removal of officers similar to the Iowa law for cities of less than 25,000 population. There are three commissioners elected for terms of four years. The mayor is elected as such, and presides at the meetings of the board, but has no veto. The mayor receives a salary of \$2,400 and the commissioners, \$2,000 per year, and they meet in council meeting at least once each week. Monthly statements must be made by the commission of the finances of the city, and an annual audit and examination of the city's books are made by the state examiner. Copies of the examiner's report are filed with the city clerk, and with the governor of the state. The law provides for the initiative, referendum, and the recall, petitions of twenty-five per cent being required for the initiative and recall, and thirty-five per cent for the referendum. No public service franchise can be passed, however, by the commission if requested not to do so by a petition of ten per cent, but must be submitted to a vote of the people. Sheridan (8,408), the second city in the state, has adopted the law, but it has not yet gone into operation.

*Colorado*

Two cities in Colorado—Grand Junction and Colorado Springs—have drafted home rule charters embodying the commission plan. Grand Junction is the subject of a separate article<sup>5</sup> in this volume, so will be passed with this mention, but Colorado Springs has been operating under its charter for a little over two years and is deserving of mention. One of the interesting features of the plan is that it provides for a first and second election. These are non-partisan, and the first election serves as a final one for all those candidates that receive a majority of the votes cast for their office. For those who do not, a second election is held at which only the two candidates receiving the highest number of votes at the primary are placed on the ballot, thereby assuring a majority election. Only one election has been held under the charter, which was the first election after the adoption of the charter, and no candidate receiving a majority at the primary election, a second election was held.

Under the Colorado Springs charter, there are five members of the council, a mayor and four councilmen. They are elected for four years, the mayor receiving \$3,600 and the councilmen \$2,000 per year. The administration is divided into five departments, Water Works with the mayor in charge, Finance, Public Safety, Public Works, and Public Health. The council assigns the councilmen to their departments. The mayor presides, and has a veto power. Appointments are by the mayor except when otherwise provided for. The head of each department appoints the subordinates in his own department, and may remove them at will. The council may remove any officer or employee of the city, including the mayor, by a vote of four members. The charter provides for a civil service board composed of three members elected for six years. The charter also provides for the initiative, referendum, and the recall. A thirty per cent petition is necessary for the recall, but no officer can be recalled during the first six months of his term. A fifteen per cent petition is required for the referendum, and for the submission of an initiative measure at a special election. Only a five per cent petition is necessary to submit an initiative measure at a general election. The plan has been in operation since May, 1909.

The Colorado Springs plan has been very successful. A high

<sup>5</sup> See *The Grand Junction Plan and its Results*, *infra*.—EDITOR.

class of officials were elected at the first election, and these have secured the services of experts in the different departments, particularly the police department, and the office of city engineer. In the case of the chief of police, the mayor appointed a chief from another city. A marked progress has been made in the matter of street and park improvements, public playgrounds, and the beginnings of a civic center.

### *New Mexico*

The New Mexico statute is a permissive law enacted in 1909, permitting cities of 3,000 population or over to adopt one of two types of organization. The first type provides for the election of three commissioners, one being the mayor. Each has charge of a department, and a city clerk is also elected. The mayor and commissioners are elected for two years and serve without pay. The law provides for the selection of a "Superintendent of Public Affairs" by the council, who is really the general manager of the city, and looks after all the public matters of the city, subject to the direction of the council. Under this plan the council is an advisory body, and the actual supervision and management of the affairs of the city is left to the superintendent, who is paid a salary and devotes his entire time to his duties. Roswell (6,178) has adopted this plan.

The second type provides for a commission of three or five paid members with the usual commission government organization. No city has so far adopted this second type.

### *Idaho*

Lewiston, Idaho, has been operating under the commission plan since 1907, but this was under a special charter. At the last session of the legislature, a law was enacted providing commission government for cities of 3,000 population upon adoption by popular vote. This new law is the Des Moines Plan with a few modifications. The mayor is elected for two years while the four councilmen are elected for four, reversing the Wisconsin practice in this regard. Two councilmen are elected every two years. Candidates are nominated at non-partisan primaries, and the names are rotated in the same manner as under the Nebraska law. No provision is made for civil service, nor for the referendum, but the initiative and recall are

made parts of the law. The initiative requires a twenty-five or ten per cent petition, according to whether it is to be submitted at a special or general election, and the recall requires either a thirty-five or twenty-five per cent petition in the same way. The plan may be abandoned after a trial of six years. No city has so far adopted the state law.

### *Utah*

A general commission government law was enacted at the last session of the Utah legislature which is mandatory for cities of the first and second classes, but the text of this law has not been available for this article.

### *Washington*

Washington is a home rule state, but the home rule provision applies only to cities of 20,000 population and over, so a general commission charter law for cities of 2,500 to 20,000 population was enacted at the 1911 session of the legislature. This law is virtually the same as the Iowa law for cities of 7,000 to 25,000 population, the mayor and two commissioners being elected for three instead of two years. No provision, however, is made for civil service. The number of signers required for the initiative and referendum petitions is the same as in Des Moines, but a thirty-five per cent petition is required for the recall, and no officer can be recalled during his first six months in office. Otherwise the provisions are virtually the same.

Two cities, Tacoma (83,743) and Spokane (104,402) have adopted home rule charters embodying the commission plan. The Spokane charter provides for the election of five councilmen who elect the mayor from their own number and hold office for four years. The most interesting feature about the plan is that it provides for preferential voting. There is no primary, but at the election, which is non-partisan, provision is made for second and third choices, similar to the Grand Junction plan. The expression of second or third choices on the ballots is not compulsory, but the ballot is void unless a first choice for each office is expressed. The per cent of signatures required for the initiative, referendum, and recall is low, being ten for the referendum, and fifteen and five for the initiative, and twenty and fifteen for the recall, according to

whether the proposition is to be submitted at a special or regular election. Spokane has been operating under its charter less than a year.

Tacoma has been operating under its charter more than a year, however. It has five members in its council, a mayor and four councilmen, all of whom are elected for four years. The mayor receives \$4,000 and the councilmen \$3,600 per year. It has a civil service commission composed of three members appointed for three years. The charter provides for the initiative, referendum and recall, the per cent of signers required being twenty, fifteen, and twenty-five respectively. In addition to the recall, any member of the council may be removed upon the vote of the other four members. The plan went into effect in April, 1910.

The commission form of government in Tacoma does not seem to have been any too successful, due largely, it is claimed, to the men who were elected at its installation. Some large improvement projects, for which there was a strong public sentiment have been carried through, but in general, the current expenses of the city have been increased. At a recent recall election the mayor and two councilmen were recalled, and the citizens are now confident that under the guidance of these new administrators, the success of the plan during the coming year will be different.

### *Oregon*

But one city in Oregon, Baker (6,742), has drafted a commission charter under the home rule provisions of the constitution. The Baker charter provides for the election of three commissioners, one being the mayor, for terms of two years, who together compose the governing board of the city. The mayor receives \$2,500 and the councilmen \$2,000 per year. The administration is divided into three departments and each councilman is nominated and elected to the department of which he assumes charge. Nominations are made by non-partisan primaries, and a majority election is assured. The provisions of the state law regarding the initiative, referendum, and the recall apply and are made a part of the charter. The plan became effective in November 1910.

### *California*

Two cities in California, Berkeley (40,434) and San Diego (39,578), have been operating under commission charters since  
(745)

1909. At the last session of the legislature, the charters of six other cities were approved, Oakland (150,174), Santa Cruz (11,146), Vallejo (11,340), San Luis Obispo (5,157), Monterey (4,923), and Modesto (4,034). All these charters except that of Vallejo, provide for a council of five members, a mayor and four councilmen; Vallejo provides for three. The term of office is four years in all cases except Berkeley, Santa Cruz, Monterey, and San Luis Obispo, where the mayor is elected for two years only. In Berkeley, Oakland, and Vallejo, a city auditor is also elected by popular vote, and in Santa Cruz, an auditing committee of three. San Diego elects a city treasurer, and San Luis Obispo, a city clerk. The mayor presides over the council in all cases, and with the exception of San Diego, has no veto power. In the majority of cases, appointments are made by majority vote of the council, but in Oakland and Santa Cruz, they are made by the commissioner in charge, subject to the approval of the council. Berkeley, Modesto, Oakland, and Vallejo provide for civil service. In all cases provision is made for the initiative, referendum, and recall.

In both San Diego and Berkeley, the commission plan has been very successful, but especially in Berkeley. A high type of officials were elected in the first instance, and while the tax rate was raised immediately to the charter limit, the results which were secured during the first year in efficient police and fire protection, street improvements, and improved municipal service, warranted the change. At the end of the first fiscal year, there was a surplus on hand of \$27,326.90 in excess of the increased revenue derived from the increased tax rate. At the beginning of the second year there was a reduction in the tax rate of six cents, making a rate of 93 cents on the \$100, one of the lowest rates in the state. The second annual report is not yet available, but the city officials assert that the second report will make a better showing than the first. It is interesting, in this connection, to note that at the last election a socialist was elected mayor of Berkeley.

This digest of commission government charters in the West will not only serve to show along what lines the commission government movement is progressing, but should suggest the tremendous scale on which this new experiment in municipal government is being tried out. Commission government is the most important type of government in the West to-day. The political expedients which are

here being tried and tested constitute the most important experiments now being made in our political laboratory, and if successful, will contribute wonderfully toward the solution of some of our most perplexing problems. The test of the commission form of organization is important, but the test of the electoral system is more important. For this reason the experience of the West during the next five years will be fraught with the keenest political interest.